

REMARKS

This responds to the Office Action dated September 17, 2008.

Claims 1 – 2, 5 – 6, 11 - 12, 14 – 21, 23 – 24, 28 – 31, and 41 are amended, no claims are canceled, and no claims are added; as a result, claims 1 to 31 and 41 are now pending in this application.

Claim Objections

Claim 5 was objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 5 has been amended to now be dependent upon claim 2. Claim 11 was objected to for informalities. Appropriate correction has been made to claim 11.

§101 Rejection of the Claims

Claim 41 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner states that “Claim 41 defines a machine readable medium which is disclosed as a carrier wave signal; paragraph [0127]” and “therefore does not fall within one of the four statutory classes of § 101.”

In the response dated January 25, 2008, the applicant submitted numerous amendments to the specification including an amendment to remove the reference to “a carrier wave signal.” It appears that the Examiner did not enter the amendments due to confusion between the paragraph numbering differences between the originally filed specification and the published application. Applicants have resubmitted the amendments to the specification which include the removal of the offending phrase. Withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

§112 Rejection of the Claims

Claim 5 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner stated that the claim contained “subject matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.”

The Applicants have amended the claim to refer to “content identification information within the authoring data”. Such content identification information within the authoring data is explicitly disclosed in paragraph [0059] which states:

The authoring data application 94 may also include content identification information within the authoring data 78 so as to create an association of the authoring data 78 with content data

Withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

§103 Rejection of the Claims

Claims 1-16, 18-31 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McKissick et al. (U.S. Patent Application Publication No. 2007/0124795, hereinafter referred to as the McKissick reference) in view of Goodman et al. (U.S. Patent No. 6,427,238, hereinafter referred to as the Goodman reference), and further in view of Danker et al. (U.S. Patent Application Publication No. 2003/0208777, hereinafter referred to as the Danker reference). Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the McKissick reference in view of the Goodman reference, the Danker reference, and further in view of Angel et al. (U.S. Patent Application Publication No. 2004/0025192, hereinafter referred to as the Angel reference).

Example embodiments of the system of the present application disclose a system for providing the users of an interactive television receiver system with a full multi-media experience. In particular, the system allows television content to be transmitted along with associated authoring data and an authoring application that allows a user to create new content using the authoring data associated with the television content.

Using an example presented in paragraph [0059] of the published patent application, a Disney cartoon may be the television content and the associated authoring data may comprise images of the drawing graphics relevant to the characters in the television scenes. The television content and the authoring data may be ‘associated’ in many different manners. For example, paragraph [0059] specifies that the television content and the authoring data may be associated

using timecodes or content identifiers. Before broadcast, a multiplexer multiplexes together the television content, the associated authoring data, and the authoring application that uses the authoring data into a single stream. Specifically, **Figure 3** of the present application illustrates an exemplary multiplexed data stream **68** containing content modules **76** (carrying television content), data modules **74** (carrying the related authoring data **78**), and code modules **72** (carrying the authoring application **98**. This proximate multiplexing together of the television content, the related authoring data, and the authoring application allows the authoring application and the associated authoring data to become available around the same time that the related television content is displayed to the viewer. Thus, a viewer watching particular television content may access the associated authoring content (along with the needed authoring application) right after viewing the television content.

The examiner rejected claims 1-16 and 18-41 as being unpatentable over McKissick in view of the Goodman reference and the Danker reference. However, a combination of these three references would not anticipate or render obvious the invention claimed in the amended independent claims 1, 23, and 41 that specifically call for the “multiplexing together said television content, said authoring data, and said authoring application proximate in time.” Note that all three different types of data must all be multiplexed together and multiplexed in manner such they are proximate in time. Further note that these various pieces of data may come from different sources and are associated together at the headend.

This proximate multiplexing makes it so that the “receiver system receives said television content, authoring data, and authoring application proximate in time.” Such a system will be intuitive for users since the authoring application and the specific authoring data that is related to the current television content will be immediately available to the user after viewing the television content. Furthermore, such a system allows for very efficient memory usage within the receiver system since a receiver system will not decode and need to store something in memory until the appropriate time that the data is needed. If a user switches channels or a particular television program ends, the system will then begin decoding and storing new authoring content related to the new television programming.

In the Office action dated September 17, 2008, the Examiner cited the Danker reference as teaching “proximate multiplexing together said television content with said authoring data and communicating said proximate multiplexed television content and authoring data”. Specifically, the examiner cited Paragraph [0014] of the Danker reference which states:

[0014] As seen in block 22, a content distribution system is in communication with one or more content providers, also known as headends, which provide content to the content distribution system. The one or more headends may be acting in the role of an operator, such as a telecommunications service provider, and may have a hierarchical structure ranking from a general headend to a specific headend. **As seen in block 24, signals are aggregated and processed at the content distribution system as the encrypted message data and the associated token are multiplexed with content data from the one or more content providers into digital video data.** Stated otherwise, the multiplexing of a plurality of signals onto one multiplexed channel takes places in a data insertion process in a headend. The data insertion process inserts broadcast media content in one signal and message data associated with a unique client device ID in another signal.

This paragraph does not teach claimed system wherein television content, authoring data related to that television content, and an authoring application needed for the authoring data are all proximate multiplexed together. In fact, the Danker reference teaches away since it refers “the encrypted message data and the associated token are multiplexed with content data from the one or more content providers into digital video data.” This sentence indicates that content data from any of the one or more content providers will suffice. Thus, there is no relationship between the “encrypted message data” and the “content data” in the Danker reference. In stark contrast, the all the amended independent claims (1, 23, and 41) specify that the authoring data be “related to the television content”.

Since the cited references do not teach nor suggest having authoring data that is “related to the television content” and wherein the authoring data, an associated authoring application, and the television content be proximately multiplexed, as required by the amended independent claims, the claimed invention is patentable over the cited references.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4058 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By 

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 11, 2008.

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